



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

January 29, 2009

EPA Ref: 06-010-BLM

Christina M. Welch
Field Manager Central Oregon Resource Area
3050 N.E. 3rd Street
Prineville, OR 97754

Dear Ms. Welch:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the John Day Basin Resource Management Plan (RMP). Our review has been conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The proposed RMP will amend or replace the John Day RMP and portions of the Two Rivers RMP and Baker RMP that guide management of public lands located within the Planning Area. The Planning Area consists of about 5,450,225 acres of land mostly within the John Day River Basin in Eastern Oregon. Within this area, the Bureau of Land Management (BLM) manages approximately 456,609 acres. The DEIS analyzes five alternatives, including a no action alternative. Alternative 2 has been identified as the Preferred Alternative.

EPA recognizes the management challenges created by the mixed private/federal ownership of the Planning Area, the diverse resource needs, and multiple statutory requirements. The BLM staff is to be commended for its effort in this ambitious undertaking. The resulting document takes a forward-looking approach to addressing key issues in the basin, including grazing management, off-highway recreation, and landscape health. We are also appreciative of the effort taken to address issues identified by EPA at the scoping phase, including source water protection.

EPA is broadly supportive of the direction of the Preferred Alternative, though we recommend incorporation of the Alternative 4 grazing strategy, and the continuation of watershed analysis as prescribed by Alternative 1. We also seek additional information about the management of Reserve Forage Allotments, and additional clarity in the Aquatic Conservation Strategy as it relates to proper functioning condition, management of livestock, and water withdrawal. The enclosed comments detail these questions and concerns. We have assigned this draft EIS a rating of EC-2 (Environmental Concerns - Insufficient Information). A copy of the rating system used in conducting our review is enclosed for your reference.

EPA appreciates the opportunity to comment on the DEIS. If you have any questions regarding EPA's comments, please contact me at (206) 553-8574, or Teresa Kubo of my staff at (503) 326-2859.

Sincerely,

/s/

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures: 1) EPA Region 10 Detailed Comments
2) EPA Rating System for Draft EISs

**EPA Region 10 Detailed Comments
Draft John Day Basin Resource Management Plan and
Environmental Impact Statement
January 28, 2009**

Grazing

EPA is supportive of the grazing matrix approach in the action alternatives. The grazing matrix will be a valuable tool for managers seeking to identify and weigh resource demands and potential conflicts in the event that a grazing permit is voluntarily relinquished. Because grazing has a disproportionately large influence on the protection and restoration of water quality, water quantity, and aquatic and riparian species, we recommend that the FEIS modify the Preferred Alternative to apply a greater degree of sensitivity to conflict over social and ecological values (consistent with the approach taken in Alternative 4). We are also supportive of the proposed closure of 13,158 acres (3%) of the currently designated allotments within the basin (consistent with Alternative 4). These acres represent areas of high ecological and social value that may contribute greatly to the achievement of water quality and habitat goals in the basin. Given that permit relinquishment has been a rare occurrence in the basin (DEIS page 110), it is unlikely that land managers will see an increase in permit relinquishment in the near term. The current planning effort presents an opportunity to ease resource-related conflict and achieve restoration goals in these high priority areas without awaiting voluntary relinquishment.

Reserve Forage Allotments

One tool for reducing conflict and achieving ecological goals identified in the DEIS is the adoption of reserve forage allotments. These allotments would not be allocated to one specific grazing operator, but could be used on a temporary, non-renewable basis to allow for rangeland restoration and recovery. EPA is supportive of the RFA concept, but we continue to have questions about how such a system would be managed. We recognize that each allotment would be subject to the development of a site-specific management plan. We recommend, however, that the RMP establish overarching guidelines for their use. These guidelines should establish what would trigger the use of an RFA, and what would be considered high versus low priority. For example, due to the widespread nature of drought, we recommend that drought not be considered as a need for use. Similarly, overuse of a customary allotment should not be considered as a need for use. The RMP should also establish sideboards for the term of use of an RFA, including ecological thresholds. Finally, direction should be provided on how the number of permittees able to graze simultaneously would be established, and how forage would be allocated.

Proper Functioning Condition

EPA is supportive of the expanded riparian management areas under the Aquatic Conservation Strategy (ACS), as well as of the established ACS Objectives. The ACS relies heavily on site-specific determinations conducted by an interdisciplinary team to determine whether management actions will move a riparian area toward proper functioning condition (PFC). Because of the dependence on the concept of PFC, this management construct should receive additional treatment in the DEIS. The DEIS makes reference to national guidance related to PFC (page 383), but does not provide detail as to what parameters would be assessed. National guidance can tend to be broad and general, and not account for regionally specific conditions.

We therefore recommend that PFC be more fully explored, and included as an appendix to the FEIS.

Watershed Analysis

We also note that page 57 of the DEIS indicates that the ACS includes a provision for multiscale analysis. It is not clear, however, whether the proposed multiscale analysis is intended to be a continuation of watershed analysis as prescribed under PACFISH/INFISH. Watershed analysis provides context for management activities and is a systematic analytical procedure for characterizing watershed physical and ecological processes. Use of information from watershed analyses can help managers meet specific management and social objectives, and can be helpful in considering the role RMAs play in connectivity and habitat.

Watershed analysis should serve as the basis for determining restoration needs and developing project-specific proposals. Further, watershed analysis can identify the most useful indicators for diagnosing existing and potential conditions, and provide context for multi-scale monitoring programs. This may be of particular importance given the management emphasis on PFC. We recommend that the FEIS clarify the intended role of the multiscale analysis discussed in the ACS. If this analysis is project specific, we recommend that the FEIS bring forward the watershed analysis requirement within the No Action Alternative. This will be critical to gaining understanding of the complex array of biophysical processes and the existing range of watershed conditions, and is essential to support broad-scale restoration and monitoring programs across the planning area.

Desired Future Conditions

Among the desired future conditions identified in the Aquatic Conservation Strategy is a vision of “vigorous vegetation [that] provides high nutrient forage” and “Consistently available water and nutrients [that] improve weight gain for livestock.” These statements do not appear to be consistent with the stated objectives and BMPs that seek to limit the impacts from livestock within the riparian management area. We recommend that this desired future condition be revised to focus more specifically on high functioning flood plains that effectively replenish groundwater, and riparian areas that have achieved full expression of appropriate plant association groups and site potential vegetation.

We further recommend that actions related to grazing activity be included under Objective AQ10. Among these we recommend the following:

- New livestock handling, management or watering facilities shall be located outside of RMAs, except for those that inherently must be located in an RMA and those needed for resource protection.
- During allotment management planning consider removal of existing livestock handling or management facilities from RMAs.
- Livestock trailing, bedding, loading, and other handling activities should be avoided in RMAs.

We further recommend that the FEIS establish targets and thresholds related to streambank condition and the utilization of mean annual woody and vegetative production. Having these thresholds established in the RMP will assist both managers and permittees in ensuring the RMA is functioning at or moving toward PFC.

Water Withdrawals

Among the actions identified under AQ8 we recommend the following be included:

- Water drafting sites should be located and managed to minimize adverse effects on stream channel stability, sedimentation, and in-stream flows needed to maintain riparian resources, channel conditions, and fish habitat.
- Pumps shall be screened at drafting sites to prevent entrainment of fish and shall have one-way valves to prevent back-flow into streams.

North Fork John Day Acquired Lands

EPA supports the recommendation under Alternative 2 that the 37 mile segment of the John Day River within the acquired lands be recommended as administratively suitable for designation by Congress as a Wild and Scenic River. Consistent with this recommendation, we encourage the BLM to adopt the Alternative 4 approach to grazing allotments within the acquired lands (grazing allotments should remain unauthorized for grazing use).